IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Kari NIEMELA *et al.*	Confirmation No.: 4858
Application No.: 10/797,953	Examiner: Shantell Laketa Heiber
Filed: March 11, 2004	Group Art Unit: 2617

For: GAME DATA AND SPEECH TRANSFER TO AND FROM WIRELESS
        PORTABLE GAME TERMINAL

APPEAL BRIEF

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal dated July 7, 2009.

I.   REAL PARTY IN INTEREST

NOKIA Corporation is the real party in interest.

II.   RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related Appeal or Interference.

III.   STATUS OF THE CLAIMS

Claims 1 through 30 and 35 through 44 are pending in this Appeal. Claims 31 through 34 have been canceled. Claims 1 through 14, 16 through 28, 36 through 40, and 42 through 44 are original claims, and claims 15, 29, 30, 35, and 41 were previously presented. No claim has been allowed.

Claims 1 through 30 and 35 through 44 have been finally rejected in an Office Action

dated January 21, 2009. It is from the final rejection of claims 1 through 30 and 35 through 44

that this appeal is taken.

IV.   STATUS OF AMENDMENTS

The claims have not been amended subsequent to the issuance of the January 21, 2009

Final Office Action.

A Response, in which no claim was amended, was filed pursuant to the provisions of 37

C.F.R. §116 on April 14, 2009. According to the Advisory Action dated April 27, 2009, the

Response was considered but not deemed to place the Application in condition for allowance.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed inventions relate to transferring speech and game data to and from a wireless

portable game terminal.   In particular, the claimed subject matter enables real-time network

gaming via transferring speech and game data between game terminals distant from each other.

Independent claim 1 is directed to a wireless portable game terminal comprising: a radio

transceiver configured to transfer speech and game data through a radio connection to a

telecommunication system (See, e.g., ¶¶ [0020], [0026], [0027]; 106 and 104 in FIG. 1; 302 in

Fig. 3); a loudspeaker configured to reproduce audio (See, e.g., ¶¶ [0026], [0027]; 304 in Fig. 3);

a microphone configured to capture speech of a user of the wireless portable game terminal (See,

e.g., ¶¶ [0020], [0026], [0027]; 100 in FIG. 1; 306 in Fig. 3); and a processing unit coupled to the

radio transceiver, the loudspeaker and the microphone configured to process the game data, to

transfer the game data to and from another game terminal or a game server through the radio

connection, to receive captured speech of another user through the radio connection, to output audio part of the game data and the captured speech of the other user through the loudspeaker, to capture speech of an user with the microphone, and to transfer the captured speech of the user to another game terminal or to a game server through the radio connection (See, e.g., ¶¶ [0020], [0027], [0028]; 108, 114, 116 in FIG. 1; 300 in Fig. 3).

Independent claim 15 is directed to a method comprising: capturing speech of a user of a wireless portable game terminal (See, e.g., ¶¶ [0020], [0026], [0027]; 100 in Fig. 1); transferring the captured speech of the user to another game terminal or to a game server through a radio connection (See, e.g., ¶¶ [0020], [0026] through [0028]; 106, 108, 116 in Fig. 1); processing game data in the wireless portable game terminal (See, e.g., ¶¶ [0027], [0028]); transferring the game data to and from another game terminal or a game server through the radio connection (See, e.g., ¶¶ [0026] through [0028]); receiving captured speech of another user through the radio connection (See, e.g., ¶¶ [0026] through [0028]); and reproducing audio part of the game data and the captured speech of the other user (See, e.g., ¶¶ [0027], [0028]).

Independent claim 29 is directed to a computer program product encoding a computer process for execution in a wireless portable game terminal, the process comprising: capturing speech of a user of the wireless portable game terminal (See, e.g., ¶¶ [0020], [0026], [0027]; 100 in Fig. 1); transferring the captured speech of the user to another game terminal or to a game server through a radio connection (See, e.g., ¶¶ [0020], [0026] through [0028]; 106, 108, 116 in Fig. 1); processing game data in the wireless portable game terminal (See, e.g., ¶¶ [0027], [0028]); transferring the game data to and from another game terminal or a game server through

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the radio connection (See, e.g., ¶¶ [0026] through [0028]); receiving captured speech of another user through the radio connection (See, e.g., ¶¶ [0026] through [0028]); and reproducing audio part of the game data and the captured speech of the other user (See, e.g., ¶¶ [0027], [0028]).

Independent claim 30 is directed to a network element of a telecommunication system comprising: a radio transceiver configured to transfer speech and game data in a Dual Transfer Mode DTM radio connection (See, e.g., ¶¶ [0020], [0026], [0027], [0032], [0035]; 104, 106 and 116 in FIG. 1; 302 in Fig. 3); and a processing unit coupled to the radio transceiver, configured to transfer the speech and the game data to and from a wireless portable game terminal through the radio connection (See, e.g., ¶¶ [0020], [0027], [0028]; 100 in FIG. 1; 300 in Fig. 3).

Independent claim 44 is directed to a wireless portable game terminal comprising: radio transceiving means for transferring speech and game data through a radio connection to a telecommunication system (See, e.g., ¶¶ [0020], [0026], [0027]; 106 and 104 in FIG. 1; 302 in Fig. 3); audio reproducing means for reproducing audio (See, e.g., ¶¶ [0026], [0027]; 304 in Fig. 3); speech capturing means for capturing speech of a user of the wireless portable game terminal (See, e.g., ¶¶ [0020], [0026], [0027]; 100 in FIG. 1; 306 in Fig. 3); and processing means for processing the game data, for transferring the game data to and from another game terminal or a game server through the radio connection, for receiving captured speech of another user through the radio connection, for outputting audio part of the game data and the captured speech of the other user through the audio reproducing means, for capturing speech of an user with the speech capturing means, and for transferring the captured speech of the user to another game terminal or to a game server through the radio connection (See, e.g., ¶¶ [0020], [0027], [0028]; 108, 114, 116 in FIG. 1; 300 in Fig. 3).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 15, 16, 29, and 44 stand finally rejected under 35 U.S.C § 102 for lack of

novelty as evidenced by *Sinclair et al.*

Claim 30 stands finally rejected under 35 U.S.C § 103 for obviousness predicated upon

Sinclair et al. in view of *Heden*.

Claims 3 through 14, 17 through 28, and 35 through 43 stand finally rejected under 35

U.S.C § 103 for obviousness predicated upon *Sinclair et al.* in view of *Heden*.

VII.   ARGUMENT

A.   CLAIMS 1, 2, 15, 16, 29 AND 44 ARE NOT ANTICIPATED OVER *SINCLAIR ET AL.*, BECAUSE *SINCLAIR ET AL.* FAIL TO DISCLOSE THE CLAIMED FEATURE OF RECEIVING CAPTURED SPEECH OF ANOTHER USER THROUGH A RADIO CONNECTION.

To anticipate a patent claim, every element and limitation of the claimed invention must

be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland*

Golf Co., 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic &*

Research Foundation v. Genentech, Inc., 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir.

1991). A prior art reference anticipates a patent claims if it discloses every limitation of the

claimed invention, either explicitly or inherently. *In re Schreiber, 128 F.3d 1473, 1477, 44*

USPQ2d 1429, 1431 (Fed. Cir. 1997). "Under the principles of inherency, if the prior art

necessarily functions in accordance with, or includes, the claimed limitations, it anticipates."

MEHL/Biophile Int'l Corp. v. Milgraum, 192 F.3d 1362, 1365, 52 USPQ2d 1303, 1305 (Fed. Cir. 1999).

In the Final Office Action of January 6, 2009 and in the Advisory Action of April 27, 2009, the Examiner asserted that *Sinclair et al.* disclose "receiving captured speech of another user through a radio connection and reproducing the captured speech of the other user" as recited in independent claim 1, and similarly recited in claims 15, 29 and 44. In so doing, the Examiner cited the Abstract, ¶¶ [0030], [0031], [0034], [0035], [0039], [0043], [0045], [0052], [0056], [0085]-[0100], and [0103] of *Sinclair et al.* However, in the paragraphs of *Sinclair et al.* cited by the Examiner, there is no express or inherent disclosure capturing user-to-user speech accompanied with the processing of game data, as is specifically set forth in independent claim 1.

In ¶ [0030], *Sinclair et al.* describe "a prior art system wherein a user 100 of a mobile station 102 communicates with another mobile station user 104 and a fixed terminal voice user 106" using **voice** communications. This is related to a **prior art** system that is neither expressly nor inherently described as using speech capture in association with **gaming**.

The single-player and multiplayer virtual games in *Sinclair et al.* are **text** based (¶ [0008]; FIGS. 17A-N). A **text** based gaming environment is described, for example, in (¶ [0056]). A list of actions to be taken at this stage in the story, such as go, talk to, look, are displayed as text on the screen 1750 (FIG. 17G), rather than being acted upon by the player. The dialogue related to the person the player 100 chooses to speak to is displayed 1754 (FIG. 17H), but not actually "talked".

Sinclair et al. make reference to game **voice** communications only in discussing an interactive voice response unit (IVRU) 1600 which resides either at a mobile station 102 or at a game server 1412 (¶¶ [0085], [0086]). For the Examiner to assert that *Sinclair et al.* disclose

"receiving captured speech of another user through a radio connection and reproducing the captured speech of the other user," is to **speculate** as to the operations of the IVRU 1600 in *Sinclair et al.* Rejections under 35 U.S.C. §102 must, of course, be predicated upon facts not speculation. *Continental Can Co. USA, Inc. v. Monsanto Co., 948 Fed. 2d 1264 (Fed. Cir. 1991).*

Indeed, in single-player settings, when the IVRU 1600 resides on the mobile station, it converts a user voice input (i.e., a vocalized command) to a **text** response at the mobile station 102, sends the text response via a radio connection to the game server 1412 to update a game state (¶ [0085]). The game server 1412 then sends a non-vocal response command back to the mobile station via the radio connection for the IVRU 1600 to update a game context (e.g., a voice response by the virtual character) presented via the mobile station 102 to the user (¶ [0086]). In this first single-player scenario, there is simply **no** voice signal transmitted **via the radio connection** (¶ [0098]).

When the IVRU 1600 resides on the game server 1412, an actual user voice input is sent via the radio connection to the game server 1412 to be converted by the IVRU 1600 into a **text** response for the game server 1412 to update game state and to generate a **synthesized** voice response (¶ [0088]). The **synthesized** voice response is then sent via the radio connection to the mobile station 102 to present to the user. In this second single-player scenario, there are only voice signals transmitted via the radio connection (¶ [0098]), and there is only **synthesized** voice response transferred to the mobile station 102 to present to the user. The mobile station 102 in *Sinclair et al.* simply does **not** receive **actual** voice signal or actual voice calls during a virtual game to present to the user. Although the IVRU 1600 takes actual voice inputs from a user/player, it only generates **synthesized** voice outputs of a virtual character for the player to listen to.

In multiplayer settings (¶ [0039]), various participants "inhabit" in a virtual space 312 and communicate via an associated "virtual" representation of him/herself (FIG. 6; ¶ [0040]). By analogy, when two IVRUs 1600 reside respectively on two mobile stations 102 and 300 (FIG. 5), they respectively convert a user voice input (i.e., a vocalized command) to **text** responses, send the text responses via a radio connection to the game server to update a game state. The game server then sends ***non-vocal*** response commands back to the mobile stations via the radio connection for the IVRUs 1600 to update a game context and to present, arguendo, **synthesized** voice responses of the **other** player via the mobile stations 102 and 300 to the player. In this first multiplayer scenario, there is simply **no** voice signal transmitted via the radio connection. Each of the mobile stations receives a captured speech of it own user (rather than "another user"), and then, at best, produces the **synthesized** (rather than "captured") speech of the other user at the mobile station.

When the IVRU 1600 resides on the game server, actual user voice inputs are sent via the radio connection to the game server to be converted by the IVRU 1600 into **text** responses and, at best, to generate **synthesized** voice responses of other players. The **synthesized** voice responses of other players are then sent via the radio connection to the mobile stations 102 and 300 to present to the players. In this second multiplayer scenario, there are captured voice signals transmitted via the radio connection to the game server, but there is **no captured** voice signals transmitted to the mobile station. Rather there are only **synthesized** voice responses of other players transferred to the mobile station of each player. The mobile station of one player in *Sinclair et al.* simply do **not** "receive" **captured** voice calls from another player during a virtual game. Although the mobile station captures actual voice of one player via a microphone 1806 (¶ [0100]), it only receives with a receiver unit 1816 (¶ [0103]) **synthesized** voice outputs of another

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player via the radio connection for game data, rather than "receiving **captured** speech of another

user through a radio connection" as recited in the claimed inventions.

Nowhere do the paragraphs cited by the Examiner describe that captured speech of

another user is transferred over the same radio connection for game data to/from a game terminal

or game server.

At best, the user 100 in *Sinclair et al.* receives a "**synthesized**" voice response of the virtual

agent/representation 614 of another player 604 in FIG. 6 via a radio connection as in the second

scenario, but not any "**captured** speech of another user" through the radio connection. As a result,

Sinclair et al. can not and do not reproduce "the captured speech of the other user" at the mobile

station 102.

The IVRU 1600 incorporates voice "content" of a virtual voice character into the game (¶

[0085]), rather than incorporating the "voice" of a virtual voice character into the game. Actual

user voice commends are used for interaction with the game server (¶ [0045]), but not with

another user. All voice communication in *Sinclair et al.* have to go through the IVRU 1600, and

there is no direct user-to-user voice commutation in *Sinclair et al.* In particular, the voice of the

virtual character of another user is "synthesized" by the IVRU 1600 (¶ [0088]). A user can

vocally respond to a **text** or **synthesized voice** prompt (but not "captured voice') from a charter

in the game (¶ [0045]). The character may be a virtual voice character or an agent representing

another user as synthesized by the game server.

The virtual space 312 provides a mobile station user 100 with a *perceptual awareness* of

other mobile station users 104, "*as*" in a telephone voice call (¶ [0032]), rather than providing the

user a **captured** voice of another user. This merely states that the virtual space 312 provides a

perceptual awareness **similar to** that experienced in a voice call with another user, but not providing the captured voice of another user.

In view of the teachings of *Sinclair et al.* **as a whole**, they cannot be reasonably interpreted as disclosing, as a factual matter, that a user-to-user captured voice communication is used in the games. As discussed, none of the specific voice interactions with the IVRU in *Sinclair et al.* (e.g., ¶¶ [0085]-[0097]) describe user-to-user communication of captured speech in conjunction with game play.

As is clear from at least the above discussion, *Sinclair et al.* can not and do not receive captured speech of another user through a radio connection for game data, and then reproduce the captured speech of the other user. Appellants therefore submit that the imposed rejection of claims 1, 15, 29, and 44 and their dependent claims 2 and 16 under 35 U.S.C. §102 (b) for lack of novelty as evidenced by *Sinclair et al.* is not factually viable and, hence, solicit reversal thereof by the Honorable Board .

> **B.**   **CLAIM 30 IS NOT RENDERED OBVIOUS BY *HEDEN* AND *SINCLAIR ET AL.* BECAUSE NEITHER REFERENCE DISCLOSES OR SUGGESTS TRANSFERRING SPEECH AND GAME DATA IN A DUAL TRANSFER MODE DTM RADIO CONNECTION.**

Appellants incorporate herein the arguments advanced in traversing the imposed rejection under 35 U.S.C. §102, particularly the fact that *Sinclair et al.* do not disclose the claim features of "transferring speech and game data in a Dual Transfer Mode DTM radio connection." That deficiency is not cured by *Heden*, relied upon for the features of a Dual Transfer Mode DTM radio connection, transferring in a packet-switched or circuit-switched data channel of the radio connection, etc.

As mentioned, *Sinclair et al.* make reference to game **voice** communications only in discussing an interactive voice response unit (IVRU) 1600 which resides either at a mobile station 102 or at a game server 1412 (¶¶ [0085], [0086]). In the first single-player and multiplayer scenarios, there is only game data (e.g., game commands) but NO voice signal transmitted via the radio connection (¶ [0098]). Therefore, there is no transferring of speech AND game data via the radio connection in these scenarios.

In the second single-player and multiplayer scenarios, there are only **synthesized** voice responses but no game data (e.g., game commands) transferred to the mobile station 102 to present to the user via the radio connection (¶ [0098]). Therefore, there is no transferring of speech AND game data via the radio connection in these scenarios.

Additionally, the Examiner merely generalized that a skilled artisan would look to the teachings of *Heden* to modify the system of *Sinclair et al.* without articulating some logical rationale. The Examiner merely asserted that the proposed combination yields one purpose of the claimed inventions ("to allow for simultaneous transfer of voice and data in a wireless system (Heden) for interacting with a game service (Sinclair)"), rather than provide the requisite rational underpinnings for combining *Sinclair et al.* and *Heden*. The Examiner simply failed to "determine whether there was an apparent reason to combine the known elements in the fashion claimed." *KSR Int'l Co. v. Teleflex Inc.,* 550 U.S. 398, 418 (2007). A rejection for obviousness must include "articulated reasoning with some rational underpinning to support the legal conclusion." Id., *quoting In re Kahn,* 441 F.3d 977, 988 (Fed. Cir. 2006).

Moreover, since *Heden* makes no mention of, and is unrelated to, transferring speech and game data, there is no logical reason why one having ordinary skill in the art would look to *Heden*'s negotiation of quality of service to modify the game service of *Sinclair et al.*

Appellants therefore submit that the imposed rejection of claim 30 under 35 U.S.C. § 103

based on the *Sinclair et al.* in view of *Heden* is not factually or legally viable and, hence, solicit

reversal thereof by the Honorable Board.

C.   CLAIMS 3 THROUGH 14, 17 THROUGH 28, AND 35 THROUGH 43 ARE NOT RENDERED OBVIOUS BY *HEDEN* AND *SINCLAIR ET AL.* BECAUSE NEITHER REFERENCE DISCLOSES OR SUGGESTS RECEIVING CAPTURED SPEECH OF ANOTHER USER THROUGH A <u>RADIO CONNECTION.</u>

Appellants incorporate herein the arguments advanced in traversing the imposed rejection

under 35 U.S.C. §102, particularly the fact that S*inclair et al.* do not disclose the claim features of

"receiving captured speech of another user through a radio connection and reproducing the captured

speech of the other user." That deficiency is not cured by *Heden*, relied upon for the features of a

Dual Transfer Mode DTM radio connection, transferring in a packet-switched or circuit-switched

data channel of the radio connection, etc.

Additionally, as argued above, a skilled artisan would not look to the teachings of *Heden*

to modify the system of *Sinclair et al.*. Appellants therefore submit that the imposed rejection of

claims 3 through 14, 17 through 28, and 35 through 43 under 35 U.S.C. § 103 based on the

Sinclair et al. in view of *Heden* is not factually or legally viable and, hence, solicit reversal

thereof by the Honorable Board.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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IX. CLAIMS APPENDIX

1. A wireless portable game terminal comprising:

a radio transceiver configured to transfer speech and game data through a radio connection to a telecommunication system;

a loudspeaker configured to reproduce audio;

a microphone configured to capture speech of a user of the wireless portable game terminal; and

a processing unit coupled to the radio transceiver, the loudspeaker and the microphone configured to process the game data, to transfer the game data to and from another game terminal or a game server through the radio connection, to receive captured speech of another user through the radio connection, to output audio part of the game data and the captured speech of the other user through the loudspeaker, to capture speech of an user with the microphone, and to transfer the captured speech of the user to another game terminal or to a game server through the radio connection.

2. The wireless portable game terminal of claim 1, wherein the processing unit and the transceiver are further configured to transfer the game data as in-band signaling in a speech channel of the radio connection.

3. The wireless portable game terminal of claim 1, wherein the processing unit and the transceiver are further configured to transfer speech and the game data in a packet-switched data channel of the radio connection.

4. The wireless portable game terminal of claim 1, wherein the processing unit and the transceiver are further configured to transfer the speech and the game data in a circuit-switched data channel of the radio connection.

5. The wireless portable game terminal of claim 1, wherein the radio connection comprises a Dual Transfer Mode DTM radio connection.

6. The wireless portable game terminal of claim 5, wherein the processing unit and the transceiver are further configured to transfer the game data utilizing a General Packet Radio Service Transparent Transport Protocol GTTP.

7. The wireless portable game terminal of claim 6, wherein the processing unit is further configured to check delay requirements of the game data, and to transfer the game data utilizing the GTTP, if the delay requirements meet a predetermined delay limit.

8. The wireless portable game terminal of claim 6, wherein the processing unit is further configured to check the volume of the game data, and to transfer the game data utilizing GTTP, if the volume meets a predetermined volume limit.

9. The wireless portable game terminal of claim 6, wherein the processing unit is further configured to check the block size of the game data, and to transfer the game data utilizing GTTP, if the block size meets a predetermined block size limit.

10. The wireless portable game terminal of claim 6, wherein the processing unit and the transceiver are further configured to transfer the game data utilizing a signaling resource of the DTM radio connection.

11. The wireless portable game terminal of claim 10, wherein the signaling resource comprises a Packet Flow Context PFC defined for the signaling.

12. The wireless portable game terminal of claim 5, wherein the processing unit and the transceiver are further configured to transfer the game data utilizing a gaming specific resource of the DTM radio connection.

13. The wireless portable game terminal of claim 12, wherein the gaming specific resource comprises a Packet Flow Context PFC defined by gaming specific Quality of Service attributes.

14. The wireless portable game terminal of claim 12, wherein the gaming specific resource comprises a Temporary Block Flow TBF defined by gaming specific Quality of Service attributes.

15. A method comprising:

capturing speech of a user of a wireless portable game terminal;

transferring the captured speech of the user to another game terminal or to a game server through a radio connection;

processing game data in the wireless portable game terminal;

transferring the game data to and from another game terminal or a game server through the radio connection;

receiving captured speech of another user through the radio connection; and reproducing audio part of the game data and the captured speech of the other user.

16. The method of claim 15, wherein the method further comprises: transferring the game data as in-band signaling in a speech channel of the radio connection.

17. The method of claim 15, wherein the method further comprises: transferring the speech and the game data in a packet-switched data channel of the radio connection.

18. The method of claim 15, wherein the method further comprises: transferring the speech and the game data in a circuit-switched data channel of the radio connection.

19. The method of claim 15, wherein the radio connection comprises a Dual Transfer Mode DTM radio connection.

20. The method of claim 19, wherein the method further comprises: transferring the game data utilizing a General Packet Radio Service Transparent Transport Protocol GTTP.

21. The method of claim 20, wherein the method further comprises:

checking delay requirements of the game data; and

transferring the game data utilizing the GTTP, if the delay requirements meet a predetermined delay limit.

22. The method of claim 20, wherein the method further comprises:

checking the volume of the game data; and

transferring the game data utilizing GTTP, if the volume meets a predetermined volume limit.

23. The method of claim 20, wherein the method further comprises:

checking the block size of the game data; and

transferring the game data utilizing GTTP, if the block size meets a predetermined block size limit.

24. The method of claim 20, wherein the method further comprises:

transferring the game data utilizing a signaling resource of the DTM radio connection.

25. The method of claim 24, wherein the signaling resource comprises a Packet Flow Context PFC defined for the signaling.

26. The method of claim 19, wherein the method further comprises:

transferring the game data utilizing a gaming specific resource of the DTM radio connection.

27. The method of claim 26, wherein the gaming specific resource comprises a Packet Flow Context PFC defined by gaming specific Quality of Service attributes.

28. The method of claim 26, wherein the gaming specific resource comprises a Temporary Block Flow TBF defined by gaming specific Quality of Service attributes.

29. A computer program product encoding a computer process for execution in a wireless portable game terminal, the process comprising:

capturing speech of a user of the wireless portable game terminal;

transferring the captured speech of the user to another game terminal or to a game server through a radio connection;

processing game data in the wireless portable game terminal;

transferring the game data to and from another game terminal or a game server through the radio connection;

receiving captured speech of another user through the radio connection; and reproducing audio part of the game data and the captured speech of the other user.

30. A network element of a telecommunication system comprising:

a radio transceiver configured to transfer speech and game data in a Dual Transfer Mode

DTM radio connection; and

a processing unit coupled to the radio transceiver, configured to transfer the speech and the

game data to and from a wireless portable game terminal through the radio connection.

31-34. (Canceled)

35. The network element of claim 30, wherein the processing unit and the transceiver are

further configured to transfer the game data utilizing a General Packet Radio Service Transparent

Transport Protocol GTTP.

36. The network element of claim 35, wherein the processing unit is further configured to

check delay requirements of the game data, and to transfer the game data utilizing the GTTP, if

the delay requirements meet a predetermined delay limit.

37. The network element of claim 35, wherein the processing unit is further configured to

check the volume of the game data, and to transfer the game data utilizing GTTP, if the volume

meets a predetermined volume limit.

38. The network element of claim 35, wherein the processing unit is further configured to

check the block size of the game data, and to transfer the game data utilizing GTTP, if the block

size meets a predetermined block size limit.

39. The network element of claim 35, wherein the processing unit and the transceiver are

further configured to transfer the game data utilizing a signaling resource of the DTM radio

connection.

40. The network element of claim 39, wherein the signaling resource comprises a Packet Flow Context PFC defined for the signaling.

41. The network element of claim 30, wherein the processing unit and the transceiver are further configured to transfer the game data utilizing a gaming specific resource of the DTM radio connection.

42. The network element of claim 41, wherein the gaming specific resource comprises a Packet Flow Context PFC defined by gaming specific Quality of Service attributes.

43. The network element of claim 41, wherein the gaming specific resource comprises a Temporary Block Flow TBF defined by gaming specific Quality of Service attributes.

44. A wireless portable game terminal comprising:

radio transceiving means for transferring speech and game data through a radio connection to a telecommunication system;

audio reproducing means for reproducing audio;

speech capturing means for capturing speech of a user of the wireless portable game terminal; and

processing means for processing the game data, for transferring the game data to and from another game terminal or a game server through the radio connection, for receiving captured speech of another user through the radio connection, for outputting audio part of the game data and the captured speech of the other user through the audio reproducing means, for capturing speech of an user with the speech capturing means, and for transferring the captured speech of the user to another game terminal or to a game server through the radio connection.

X.   <u>**EVIDENCE APPENDIX**</u>

Appellants are unaware of any evidence that is required to be submitted in the present

Evidence Appendix.

XI. <u>RELATED PROCEEDINGS APPENDIX</u>

Appellants are unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.